

### DEPARTMENT OF HUMAN RIGHTS – FY 2006 APPROPRIATION TRANSFER

#### Appropriation Transfer



#### Transfer Purpose

The Fiscal Services Division of the Legislative Services Agency (LSA) received notification of a request to transfer funds pursuant to Section 8.39, Code of Iowa. The notice requests a transfer of \$20,000 to the Department of Human Rights, Division on the Status of African-Americans from the Department of Human Rights, Division of Latino Affairs.

The purpose of the transfer is to cover estimated personnel and support costs within the Division on the Status of African-Americans for FY 2006. The savings in the Division of Latino Affairs is due to personnel vacancies.

#### More Information

Additional information is available from the LSA upon request.

STAFF CONTACT: Sam Leto (Ext. 16764)

### GOVERNMENT OVERSIGHT COMMITTEE MEETING

#### Committee Meeting

The Government Oversight met October on 31 and November 1.

#### Open vs. Privacy



State Ombudsman, William Angrick, discussed open records and privacy legislation, stating that progress has been made with State agencies to provide public access to records, but there are concerns about public access to private information via the Internet, such as Social Security numbers.

#### Veterans' Issues

The Committee heard testimony from several presenters regarding military veterans returning from current and previous military service. The issues discussed included:

- Home Ownership Assistance Program – Dennis Dietz, Iowa Finance Authority, explained the Program that assists service members with home purchases.
- Job Placement Benefits and Career Transition Program – Tony Dietz, Iowa Workforce Development, and Tony Smithhart, U.S. Department of Labor, provided an overview of efforts to assist veterans in obtaining or returning to employment.
- Veterans Cemetery Update – Director Mollie Anderson, Department of Administrative Services, provided the status of the cemetery to be located in Van Meter, the scope of the project, and the \$7.0 million in federal funds to be received from the U.S. Department of Veterans Affairs.

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- Veterans Trust Fund – Patrick Palmersheim, Veterans Affairs Commission, stated that \$1.0 million has been deposited into the Fund. The allowable cap for the Fund is \$50.0 million.
- Veterans Affairs Commission Expenditures – Sue Lerdal, LSA, and Diane Steiner, Iowa Veterans Home, provided financial information relating to revenues and expenditures for the Commission and the Iowa Veterans Home.
- Comparison of Veterans' Benefits to Other States – John Derner, Adjutant, American Legion, provided a handout comparing available veterans' benefits of surrounding states to Iowa. He stated that benefit levels differ among counties, which may account for benefit levels in Iowa being low compared to other states.
- County Government Expenditures – Sue Lerdal, LSA, distributed veterans' benefit expenditure information.
- DD 214 Forms – Patrick Palmersheim Veterans Affairs Commission, provided proposed statutory language that would exempt specific information regarding military personnel records from the public records requirements.
- Pension Benefit Promotion Activities – Patrick Palmersheim and Tim Belay, Iowa Veterans Identification Project Coordinator, discussed the outreach program that assures that every eligible veteran and veteran's family receive all the benefits available to them. These services are federally funded.

**Drug Control**



Ken Carter, Department of Public Safety, Division of Narcotics Enforcement, addressed the impact of recent legislation designed to combat the proliferation of methamphetamine (meth) labs across the State. To date, there has been an estimated 80.0% reduction in meth lab reports this year compared to 2004. Mr. Carter also described the importation of a newer, more powerful version of meth, commonly referred to as "ice," which is a new drug threat to Iowa.

**Moored Riverboats**



Director Jeff Vonk, Department of Natural Resources, presented the Department's perspective regarding the procedures followed and the outcome of a competitive bidding process for the selection of a Program Administrator for permanently moored vessel inspections.

Michael Baxter, U.S. Inland Marine Surveying, Inc., explained that he did not receive adequate notice of his options and opportunities for participation in the process. There was concern regarding the outcome of the process and the extent to which a preference for Iowa enterprises might not have been given appropriate consideration.

The Committee requested that LSA staff prepare a letter requesting an Attorney General's opinion concerning the matter.

**Restaurant Inspections**



Dean Lerner, Department of Inspections and Appeals (DIA), discussed recent decisions by Polk and Jasper Counties to discontinue contracting with the DIA to conduct restaurant inspections. Mr. Lerner stated that current statutory inspection fees assessed to restaurants are too low and are the primary reason for the counties' decisions.

**More Information**

The next meeting is scheduled for December 14-15. Additional information is available from the LSA upon request or on the web site at:

[http://www4.legis.state.ia.us/scripts/lsa/docmgr/docmgr\\_comdocs.dll/showtypeFC?id=true&type=ih&fy=2005&com=41](http://www4.legis.state.ia.us/scripts/lsa/docmgr/docmgr_comdocs.dll/showtypeFC?id=true&type=ih&fy=2005&com=41).

STAFF CONTACT: Sam Leto (Ext. 16764) Doug Wulf (Ext. 13250)  
Rick Nelson (Ext. 25822)

**PUBLIC RETIREMENT SYSTEMS COMMITTEE MEETING****Committee Meeting**

The Public Retirement Systems Committee met on November 2-3.

**Retirement Systems**

Representatives from State retirement systems presented updates on the status of each system, including the current and projected fiscal position using actuarial studies, historical trends, and economic factors that impact the return on investment of funds deposited in these systems.



Due to the slow economy of the last few years, most retirement systems saw decreases in fund balances. This, along with decreases in contributions due to reductions in staff and increases in the number of retirees over the same period, is a concern to the actuaries who project the future soundness of these systems.

**Committee Testimony**

The Committee heard testimony from retirement systems representatives and other interested parties that included:

- Increased contribution rates for employees and/or employers.
- Senate consideration of HF 729 (Retirement Systems) passed by the House during the 2005 Legislative Session.
- An appropriation to make up shortfalls due to the economic slowdown. Based on testimony, the amount of funding needed to cover the shortfalls is as follows:
  - Judicial Retirement System - \$23.0 million.
  - Iowa Public Employees Retirement System (IPERS) - \$2.17 billion
- Municipal Fire and Police Retirement System (411 Plan) - Restore the State's contribution rate of 3.79% or approximately \$7.4 million annually.
- Allow employees the portability to transfer from one retirement system to another without penalty, loss of employers' contribution, or loss of service time credit toward retirement.
- Allow employees to "buy back" into retirement systems, when currently not permitted.
- Allow members of the 411 Plan to join a deferred retirement option plan. This would permit employees who have met the requirements for full retirement benefits (22 years of service and age 55) to stay employed via a contract and contribute toward health insurance coverage after employment ends. The contribution rate would be the same as that paid to the retirement system.

**Committee Decisions**

The Committee took no formal actions on the proposals. The Legal Services Division of the LSA will summarize the proposals, prepare a list of bills in process, and provide the information to the Committee prior to the next

meeting. Legislation is anticipated to be drafted for consideration by the 2006 General Assembly.

**More Information**

The next meeting is scheduled for December 21. Additional information is available from the LSA upon request.

STAFF CONTACT: Sam Leto (Ext. 16764) Ed Cook (Ext. 13994)

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**NATURAL RESOURCE COMMISSION MEETING**

**Commission Meeting**

The Natural Resource Commission met on November 10 in Des Moines.

**Land Acquisition**

The following land acquisitions were approved:



- A purchase of a one-acre tract of land in Harrison County adjacent to the Loess Hills State Forest headquarters for the appraised price of \$29,000. Funding is from the Resource Enhancement and Protection (REAP) Fund.
- A donation of 53 acres adjacent to the Leo Shimon Marsh Wildlife Area in Pocahontas County for the appraised value of \$29,000.
- A donation of land adjacent to Pine Lake State Park in Hardin County. The land will be appraised after the transfer is complete.
- A donation of 26 acres in Tama County adjacent to the Iowa River and Otter Creek Marsh. The land will be appraised after the transfer is complete.
- A purchase of 140 acres in Winneshiek County adjacent to the Upper Iowa River Wildlife Area for the appraised value of \$367,000. Funding is from the REAP Fund and the Protected Water Area funding.
- A purchase of 240 acres in Dickinson County adjacent to the Larry Wilson Legacy Marsh for the offer price of \$30,000. The land was appraised at \$192,000 prior to being encumbered by the Wetland Reserve Program.
- A purchase of five acres adjacent to Dewey's Pasture in Palo Alto County for \$25,000. Funding is from the federal Glaciated Wetlands Fund as provided by the North American Wetlands Conservation Act.

**Administrative Rules**



The Commission received the following information regarding Administrative Rules:

- Two separate task force meetings were held in October to revise the Administrative Rules related to leases on State-owned land and issuing dock permits.
- The Notice of Intended Action related to nonresident deer hunting adds the mandatory purchase of an antlerless deer license by non-resident hunters that purchase an any-sex deer license.
- The Notice of Intended Action on a nuisance wildlife control rule was approved.
- The Final Rules were approved related to:
  - Sport fishing regarding snagging fish in the Des Moines River.
  - The removal of map turtles from the permissive catch list.
  - The closing of the commercial harvest season for mussels.

**Timber Sales**



The Commission received information on three proposed timber sales. Two of the sales were under \$25,000 and did not require Commission approval. The following is a brief summary of each proposed sale:

- A sale of 356 trees on 30 acres of land in Shimek State Forest in the Croton East Unit. The highest bid was for \$28,000 and was approved.
- A sale of 325 trees on 20 acres in the Shimek State Forest in the Croton West Unit. The highest bid was \$20,000.
- A sale of 530 trees on 23 acres of land in the Stephen's State Forest in the Chariton Unit. The single bid was \$17,000.

**More Information**

The next meeting is scheduled for December 8 in Des Moines. Additional information is available from the LSA upon request. For review of Commission agendas, minutes, and other related information, access the DNR web site at: <http://www.iowadnr.com/>.

STAFF CONTACT: Debra Kozel (Ext. 16767)

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**STATE SOIL CONSERVATION COMMITTEE MEETING**

**Committee Meeting**

The State Soil Conservation Committee met on November 15 in Ames.

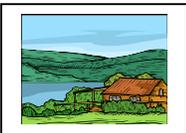
**Jones County Plan**

The Committee approved the revised long-range Soil and Water Conservation Plan that was submitted by the Jones County Conservation Board.

**Administrative Rule**

The Committee approved a Notice of Intended Action related to the Conservation Practices Revolving Loan Fund. If approved, future loans will be administered by the Iowa Finance Authority.

**Watershed Designation**



The Committee designated two watershed projects in Lucas and Winnebago Counties to receive funding from the Resource Enhancement and Protection (REAP) Practices Fund. The Fund allocates 25.0% to projects that establish trees and native vegetation. The remaining 75.0% supports projects related to permanent vegetative cover, livestock waste management, or traditional erosion control projects that protect high priority public water resources.

**Water Resources Update**

Dean Lemke, Department of Agriculture and Land Stewardship (DALs), provided the following information:

- The Watershed Improvement Review Board will meet on December 2 to collect copies of the grant applications that will be submitted by November 30. The Board will discuss and select projects to receive funding at the December 19 meeting.
- The Department recently closed four more agriculture drainage wells in Humboldt County and has a second project in the design and development stages that will close an additional 22 wells. After the completion of the second project, there will be a total of 88 wells that have been closed at a total cost of \$8.0 million.
- There are four projects in the construction phase in the Conservation Reserve Enhancement Program (CREP). In addition, two more projects are in the bidding phase. Currently, there are seven projects that have not had permits issued, as they are submitting cultural assessments to the State Historical Preservation Officer.

**Field Services Update**



**More Information**

Jim Gillespie, DALs, provided an update on the Watershed Protection Program. The Department has approved 77 loans for \$1.1 million and has 94 more applications to review totaling \$1.6 million. There are an additional 46 loans that have been approved by the Soil and Water Conservation Districts totaling \$906,000.

The next meeting is scheduled for December 1 in Des Moines and will be held with the Conservation Districts of Iowa. Additional information is available from the LSA upon request. For more information about the State Soil Conservation Committee, access the web site at: <http://www.agriculture.state.ia.us/scccommittee.htm>.

STAFF CONTACT: Debra Kozel (Ext. 16767)

**NOVEMBER BOARD OF REGENTS MEETING**

**Board Meeting**

The Board of Regents met on November 2-3 at the University of Iowa in Iowa City.

**Enrollment**

The fall 2005 headcount enrollment for the Regents universities is 67,896 students. This is a decrease of 1,053 (1.5%) compared to the fall 2004 headcount enrollment of 68,949. The full-time equivalent (FTE) enrollment increased by 715 students, from 61,625 in fall 2004 to 62,430 in fall 2005. The conversion index of FTE to headcount enrollment for fall 2005 is 0.92.

**Professional Leave**



The Board reviewed information related to professional development assignment requests. Professional development assignments release faculty members from classroom and other obligations to pursue research and other creative projects. The number of requests and budgeted replacement costs are illustrated in the tables below. The University of Northern Iowa (UNI) does not budget replacement costs because the academic schedule is adjusted so current faculty can cover the teaching assignments of leave recipients.

<b>Number of Leave Recipients</b> (Percent of Eligible Faculty)			
	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
<b>SUI</b>	87 (6.7%)	90 (6.7%)	96 (7.6%)
<b>ISU</b>	35 (2.4%)	49 (3.5%)	33 (2.3%)
<b>UNI</b>	17 (4.5%)	19 (4.9%)	22 (6.1%)
<b>Regents Total</b>	139 (4.4%)	159 (5.0%)	146 (4.8%)

<b>Budgeted Replacement Costs</b>				
	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>
SUI	\$ 257,369	\$ 196,905	\$ 118,000	\$ 154,743
ISU	201,953	182,229	192,312	165,246
UNI	0	0	0	0
<b>Total</b>	<b>\$ 459,322</b>	<b>\$ 379,134</b>	<b>\$ 310,312</b>	<b>\$ 319,989</b>

**Common Indicators**

The Regents received a report of common academic indicators at the Regents universities. A sample of those items includes:

- Six-year graduation rate of new, direct-from-high-school freshmen (Fall 2004): University of Iowa (SUI) – 66.2%; Iowa State University (ISU) – 66.5%; and UNI – 64.3%.
- Total sponsored funding for FY 2004 (in millions): SUI - \$333.9; ISU - \$274.2; and UNI - \$32.6.
- Annual royalties/license fee income for FY 2004 (in millions): SUI - \$10.7; ISU - \$2.8; and UNI - \$0.03.

**Capital Requests**

Each of the universities gave a presentation regarding their highest priority for capital funding. These include:

- SUI – Academic building for the College of Public Health. Estimated project cost is \$39.0 million, with \$19.6 million requested from State appropriations and the remaining \$19.4 million from gifts, bond proceeds, and earnings.
- ISU – Gilman Hall addition and renovation. Estimated total project cost of \$87.2 million, with \$69.5 million requested from State appropriations and \$17.7 million from private funds.
- UNI – Electrical distribution loop system. Estimated total project cost of \$8.5 million, all of which is requested from State appropriations.

**Bonding Resolutions**

The Board approved the following bond resolutions:

- \$20.0 million of Academic Building Revenue Bonds to provide partial funding for the Veterinary Teaching Hospital and Diagnostic Lab, Coover Hall addition and renovation, and correction of fire and environmental safety deficiencies at ISU.
- \$25.0 million of Utility System Revenue bonds for SUI. Funds would be used to partially fund a number of utility projects. The utility system is self-supporting and bonds would be repaid with utility system revenues.

**Comp. Fiscal Report**

The Board reviewed the Comprehensive Fiscal Report for FY 2005. The total FY 2005 budget was \$3.1 billion, with \$1.7 billion in general operating funds and \$1.4 million in restricted funds.

**Tuition & Fees Proposal**

The Board heard tuition and fee proposals for the 2006-2007 academic year from each of the university presidents. Under Board policy, tuition proposals must be within the range of the Higher Education Price Index (HEPI), which is expected to be 3.4% to 4.5% for this time period. Student government leaders responded with support for the tuition proposals. The student governments at each of the universities are actively supporting an increase in the tobacco tax to help decrease smoking.



The tuition proposals are summarized below. Final Board action on these proposals will occur at the December meeting.

General Undergraduate Tuition Increase Proposals				
	Resident		Nonresident	
SUI	\$ 220	4.5%	\$ 1,058	6.5%
ISU	\$ 196	4.0%	\$ 600	4.0%
UNI	\$ 196	4.0%	\$500	4.0%

**More Information**

The next meeting is scheduled for December 6 at the University of Northern Iowa in Cedar Falls. Additional information regarding this meeting, including the full text of agenda items, may be accessed on the Board’s web site at: <http://www2.state.ia.us/regents/Meetings/DocketMemos/05Memos/nov05/nov05agendaitems.htm>

STAFF CONTACT: Mary Shipman (Ext. 14617)

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**COLLEGE STUDENT AID COMMISSION MEETING**

**Commission Meeting**

The College Student Aid Commission met on November 15 at the Commission Office in Des Moines.

**Grant Award Levels**



The Commission authorized staff to increase Tuition Grant awards up to \$100. Since the completion of the fall grant awards, Commission staff determined that additional funds are available. Total available funds for Tuition Grants for FY 2006 equal \$44.7 million. After annualization of the fall awards, the Commission expects actual expenditures to be \$43.7 million, leaving an estimated balance of \$1.0 million.

A combination of fewer eligible applicants, increased State appropriations for Tuition Grants, and a change in the federal Department of Education’s calculation of family resources resulted in the payment of fewer students. Prior to the fall awards, the Commission had capped the maximum award at \$3,900 to make sure sufficient funds were available. The statutory maximum is \$4,000. The Commission also authorized staff to adjust the Expected Family Contribution (EFC) as necessary to allow more students to receive grants.

The Commission also authorized staff to adjust the EFC for Vocational-Technical Grants as necessary to allow more students to receive grants.

**Other Action**

The Commission also approved the following:

- Extension of collection vendor contracts through December 31, 2006, for The CBE Group (CBE), Diversified Collection Services (DCS), NCO Financial Systems, and West Asset Management (WAM).
- Extension of the 28E agreement through December 31, 2006, for collection of defaulted student loans.
- Request for proposal for public relations assistance.

**Strategic Plan**

The Commission previously approved a contract (\$16,000) with Inspiring Solutions to provide strategic planning services. The Commission will hold a two-day retreat in late January 2006 for this purpose.

**More Information**

The next meeting is scheduled for January 17, 2006. Additional information regarding the Commission meeting, including the text of agenda items, may be accessed on the Commission's web site at:  
<http://www.iowacollegeaid.org/about.html>

STAFF CONTACT: Mary Shipman (Ext. 14617)

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**IOWA EMPOWERMENT BOARD MEETING**

**Board Meeting**

The Iowa Empowerment Board met on November 8 in Ames in conjunction with the Early Care, Health, and Education Congress. Floyd Winter, a citizen representative from Cedar Falls, was elected to serve as Vice Chairperson.

**Pre-filed Legislation**



Shanell Wagler, Empowerment Facilitator, explained several concepts she intends to pre-file as legislation on behalf of the Board. The Board voted unanimously to endorse the concepts. One piece of proposed legislation would authorize the Empowerment Board to accept gifts and charitable donations. Another would codify language that currently appears in administrative rules and states that the Empowerment Areas should strive to commit 60.0% of School Ready Children Grant funds to home visitation and parent support programs.

Another proposal would strike the \$60,000 limit on administrative funds for the Community Empowerment Areas. The current statute limits administrative funds to 3.0% of School Ready Children Grant funding and a maximum of \$60,000. The proposed legislation would leave administrative funds capped at 3.0%, with no dollar limitation. For FY 2006, 3.0% of School Ready Children Grant funding statewide would be equal to \$769,000.

Another piece of legislation would add the Director of the Department of Workforce Development to the Board. The Board agreed that, with the addition of another Executive Branch representative as a voting member, the number of citizen voting members should also be increased to retain the intended weighting in favor of citizen representation.

**Administrative Rules**

The Board voted unanimously to publish a notice of intent to make changes to the administrative rules for the Community Empowerment Program. The changes are necessary as a result of the enactment of HF 761 (Early Childhood Policy and Tax Credit Act) during the 2005 Legislative Session.

**Coordinated Leadership**

Ms. Wagler provided an update on the Early Childhood Coordinated Leadership work group that met on September 22. House File 761 charged the Empowerment Board with identifying state level boards, councils, and commissions that play a role with families and young children. The work group has compiled a document describing the 10 entities identified thus far and discussed strategies for identifying and addressing overlapping purposes and gaps in coverage. Board members gave Ms. Wagler the names of several additional entities that should be included in the work group. The work group will meet again on November 29.

**Child Care Incentives Study**

Kathlene Larson, CD-DIAL Research Director, Iowa State University, presented an update on the Iowa Child Care Workforce Retention and Recruitment Study that began August 1 and will conclude December 31. House File 761 (Early Childhood Policy and Tax Credit Act) required the Empowerment Board to conduct a study of incentives that can be made

available to persons who provide early care and child care. A final report is due to the Governor and General Assembly by December 16.

**Carryforward Limits**



Janet Gartin, Department of Human Rights, presented final recommendations for guidance to Empowerment Areas regarding limits on the carry forward of School Ready Children Grant funds. The Board voted to limit annual carry-forward to 30.0% of the annual allocation and provide an appeal process. Excess carry-forward funds that revert will be reallocated among all the Empowerment Areas based on the funding formula.

**Family Support Definition**

The Board voted to endorse a definition of “Family Support” developed by Early Childhood Iowa. The definition is included in the proposed changes to administrative rules, already approved by the Board, and will appear as part of guidance provided to Empowerment Areas.

**More Information**

The next meeting is scheduled for January 27, 2006. Additional information is available from the LSA upon request.

STAFF CONTACT: Robin Madison (Ext. 15270)

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**COMMISSION FOR THE DEPARTMENT OF ELDER AFFAIRS MEETING**

**Commission Meeting**

The Commission for the Department of Elder Affairs met on October 21.

**Aging Trends**

Peter Martin, Iowa State University, Gerontology Program, provided a presentation on Aging Trends in Iowa for the years 2005 - 2030.

**HCBS Programs**



Marvin Webb, Generations Area Agency on Aging, Davenport, provided information on how the Case Management for the Frail Elderly Program is administered at the local level, as well as barriers for the Program.

David Purdy, Elder Services Agency, Iowa City, and Dan Strellner, Iowa Coalition of Home and Community-Based Service Providers, also discussed barriers for home and community-based services and suggested recommendations for reducing these barriers.

**Assisted Living**

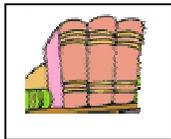
Joel Wulf, Department of Elder Affairs, explained the Department's role in setting policy for assisted living programs, adult day services, and elder group homes. Statutory changes made during the 2005 Legislative Session will require changes to administrative rules for these programs and services.

Mr. Wulf also discussed the Department's joint budget offer with the Department of Inspections and Appeals for FY 2007 that involves rewarding providers who have established a history of successful compliance with State minimum standards.

Ann Martin, Department of Inspections and Appeals, reported on the number of current certified assisted living programs, adult day services, and elder group homes. She reviewed the most common rule violations.

**FY 07 Budget Offer**

Debi Meyers, Department of Elder Affairs, reviewed the Department's FY 2007 budget offer for the Case Management Program for Frail Elders, which includes an increase of \$3.0 million from the Senior Living Trust Fund.

**Noticed Rules**

The Commission approved Administrative Rules for adoption at a future meeting that make changes to various chapters to reflect current policy and procedures. These include various technical changes, such as changes to the Department's mailing address and elimination of duplicative language. Some rules were combined and some sections were moved from one location to another for clarity. The changes do not have a fiscal impact.

**Aging Programs Report**

Dick Harmon, Department of Elder Affairs, presented the Iowa National Aging Program Information System Activity Report for FY 2005, which includes information on services provided to seniors through State and federal programs and is filed with the federal Administration on Aging.

**Department Relocation**

The Department will be relocating to the Jesse Parker Building on the Capitol Complex prior to January 2006. The Department will also celebrate its 40<sup>th</sup> anniversary in 2006, and a special event is planned for fall 2006.

**More Information**

The next meeting is scheduled for December 1. Additional information is available from the LSA upon request.

STAFF CONTACT: Lisa Burk (Ext. 17942)

**MEDICAL ASSISTANCE ADVISORY COUNCIL MEETING****MAAC Meeting**

The Medical Assistance Advisory Council (MAAC) met on November 2 at the Iowa Medicaid Enterprise. The Council approved the administrative rules that the Department of Human Services (DHS) submitted at the October Administrative Rules Review Committee meeting.

**Medicaid Report**

Gene Gessow, Medicaid Director, discussed the Medicaid budget for FY 2006 and potential federal actions that could impact programs under the DHS. Director Gessow noted that IowaCare claims thus far are generally on track.

**DPH Report**

Director Mary Hansen, Department of Public Health, provided an update on the Chronic Care Council, the status of a grant to promote health and fitness, and the Department's likely priorities for the 2006 Legislative Session.

**Drug Pool**

Director Gessow also noted that Iowa is currently in negotiations to join a drug purchasing pool with Maine, Vermont, and another unnamed state. The impact of Medicare Part D on the State budget was also discussed.

**More Information**

The next meeting is scheduled for February 1, 2006. Additional information is available from the LSA upon request.

STAFF CONTACT: Kerri Johannsen (Ext. 14611)

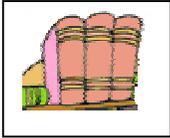
**NOVEMBER COUNCIL ON HUMAN SERVICES MEETING****Council Meeting**

The Council on Human Services met on November 9.

**Administrative Rules**

The Council approved the following Administrative Rules for adoption:

- Changes that align rules on calculating the amount of child support obligation with Iowa Supreme Court guidelines. Also, aligns rules on suspension and reinstatement of support with 2005 legislative directive.



- Rescinds an outdated chapter of rules related to United States Department of Agriculture (USDA)-donated commodities, and adopts a new chapter describing Iowa's administration of the Emergency Food Assistance Program.
- Changes that require certain safety-related information concerning a child be provided to a parent, guardian, foster parent, or other custodian of a child unless otherwise ordered by a court. Also, implements changes that allow an infant's mother to continue to breastfeed an infant that is removed from a home when such contact is in the best interest of the child. Minimal fiscal impact.
- Changes regarding access to dependent adult abuse information to permit information to be available during an unemployment compensation claim. No fiscal impact.
- Changes to transportation rules for licensed child care centers; requirements that all staff be free from the use of illegal drugs; and requirements for child care center background checks. No fiscal impact.
- Establishes rules for the voluntary child care rating system and adds appeal rights for providers participating in the system. An appropriation of \$900,000 was provided for FY 2006, and an increase of \$450,000 has been requested for FY 2007.
- Implements a new review form for Medicaid and State Supplementary Assistance. Also makes technical changes related to form names and terminology.

**Community Cares**

Jo Lerberg, Department of Human Services (DHS), provided an update on the child welfare Community Cares Initiative.

**Federal Funds**

Jan Clausen, DHS, provided an update on federal budget activities.

**IowaCare**

Jennifer Vermeer, DHS, provided an update on IowaCare.

**Legislative Agenda**

Sally Titus, DHS, provided information regarding the Department's legislative platforms for the 2006 Session. The Council approved all platforms.

**New Bureau Chief**

Ann Wiebers, DHS, introduced Carol Stratemeyer, who is the new Bureau Chief for Financial Support Programs.

**Director's Report**

Director Kevin Concannon discussed several issues, including:

- Federal budget proposals now under consideration that would impact the DHS.
- The importance of addressing potential problems associated with dual eligibles transitioning from Medicaid to Medicare Part D drug coverage.
- The recent Channel 13 series on the DHS Child Welfare system and his choice to contact DHS Child Welfare employees regarding the broadcast.
- The Director also commented on the rules under consideration that would allow an infant's mother to continue to breastfeed an infant that is removed from a home when such contact is in the best interest of the child.



**More Information**

The next meeting is scheduled for December 14. Additional information is available from the LSA upon request.

STAFF CONTACT: Lisa Burk (Ext. 17942) Kerri Johannsen (Ext. 14611)  
 Sue Lerdal (Ext. 17794)

**NOVEMBER STATE BOARD OF HEALTH MEETING**

**Board Meeting**

The State Board of Health met on November 9.

**Director's Report**

Director Mary Hansen provided the following information:

- The Department's FY 2007 budget offers are in the process of review by Buying Teams established by the Governor's Office.
- The recently publicized Avian (Bird) Flu is not pandemic, and it cannot be transferred between humans, only from chickens or wild birds to humans. There is the possibility that the virus could mutate and become pandemic; therefore, world-wide surveillance is being conducted.

The Department is currently working on developing a plan with the federal Centers for Disease Control, the federal Department of Health and Human Services, and local partners in the event that the virus would become pandemic.

The Department has also received questions from the public asking if it is unsafe to feed wild birds in backyards or ponds. Currently, it is considered safe to do this, and it is also safe to eat turkey and chicken.



**I Smile Program**

Dr. Bob Russell, Department of Public Health, reported on the I Smile Program. House File 841 (IowaCare Medicaid Reform Act) required that children eligible for Medicaid who are under age 12 have a dental home by FY 2008. Currently, this includes 120,000 children.

Dr. Russell reported that fulfilling this requirement will be difficult, as there are currently 72 counties identified as health professional shortage areas in terms of the dental workforce and access in the State. In these areas, there is one dentist for 2,606 patients. When factoring in the number of dentists that accept Medicaid reimbursement, this increases to one dentist for every 7,264 patients.

The Department is also working on other initiatives to address the issue, including methods of service that integrate health and oral care, and health promotion activities for pregnant women and young children.

**Public Health Redesign**

Tom Newton, Department of Public Health, reported on the public health redesign, which began in July 2004 with a study to determine what Iowans should expect from State and local public health agencies.

Currently, services and standards vary from county to county. The redesign is intended to establish uniform standards that address organizational capacity, services, and performance measures.

An orientation meeting was held with 100 attendees on October 19 to refine standards and establish performance measures for local systems. A draft of these standards is anticipated to be completed by March 2006, with



community visits scheduled for May 2006. The development of standards for the State Department of Public Health will begin in July 2006.

**Sub. Abuse Licensure**

Jeff Gronstal and Cynthia Kelly, Department of Inspections and Appeals, provided the following licensure recommendations for substance abuse programs, which were approved by the Board:

- Three-Year Licensure
  - Youth Shelter Care of North Central Iowa, Ft. Dodge
  - Clearview Recovery, Inc., Prairie City
- Two-Year Licensure - Center for Behavioral Services, Coralville
- One-Year Licensure - Pathways Behavioral Services, Waterloo
- 270-Day Licensure
  - Iowa Community Assessment, Addiction and Aftercare Network, Indianola
  - Recovery Road Treatment Center, Newton
  - Urban Dreams, Des Moines
- Deemed Status Program - Jackson Recovery Centers, Sioux City

Mr. Gronstal also reported that the Department had completed an investigation of complaints received against United Community Services of Des Moines. The complaints were not substantiated.

**DPH Noticed Rules**

The Board approved the following Administrative Rule for the Department of Public Health for adoption at a future meeting: changes that provide defense and indemnification to volunteer health care providers of free services at approved clinics and to eligible free clinics. The fiscal impact cannot be determined. The Program is currently staffed within the existing budget; however, the Department reports that without an increase in FTE position, staff levels for other programs will be impacted.

**DIA Adopted Rules**

The Board approved the adoption of the following Administrative Rules for the Department of Inspections and Appeals: changes that permit nursing facilities to install wireless calling systems. No fiscal impact to the State. The cost to providers who implement these systems cannot be determined.

**More Information**

The next meeting is scheduled for January 11, 2006. Additional information is available from the LSA upon request.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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**E911 WIRELESS SURCHARGE QUARTERLY CALENDAR REPORT RECEIVED**

**Quarterly Report**

The LSA received the third quarterly report (July - September) for 2005 from the Office of Homeland Security and Emergency Management Division. The Division received \$3.0 million in revenue from the E911 wireless surcharge, which is an increase of \$5,000 compared to the previous quarter. The amounts expended are as follows:



- \$50,000 for administration, which includes 2.5 FTE positions and program operating costs.
- \$615,000 for wireless service providers cost recovery, an increase of \$1,000 compared to the previous quarter.
- \$275,000 for wire-line transport costs for local carriers, a decrease of \$5,000 compared to the previous quarter.
- \$1.3 million for automated location information costs for local carriers, an increase of \$151,000 compared to the previous quarter.
- \$500,000 for debt retirement (remaining debt balance of \$262,000).
- \$159,000 for Public Safety Answering Points System (PSAPS). The PSAPS provide 55,996 square miles of service. This quarter the PSAPS received 137,395 wireless calls.
- \$97,000 in carryover for future Phase 2 network and PSAP upgrades and improvements, in addition to \$360,000 in carryover from the second 2005 calendar quarter, equals \$457,000. The Division will be expending up to \$20,000 per PSAP to the remaining 18 PSAPS that are currently without any Phase 2 mapping software. The remaining \$97,000 will be used to research Voice over Internet (VoIP) with Qwest.

#### More Information

Copies of the report are available from the LSA upon request.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

### JUDICIAL RESOURCES INTERIM STUDY COMMITTEE MEETING

#### Committee Purpose



The Judicial District and Judicial Resources Committee met on November 3 in Des Moines. The Committee was created by the Legislative Council during the 2003 Legislative Session pursuant to HF 694 (Court Practices and Procedures Act) to study judicial district and judicial election district redistricting, the allocation of Judicial Branch resources, and related matters.

The Committee was reauthorized for the 2004 Interim and held one meeting. It was authorized for four meeting dates for the 2005 Interim; however, the Committee felt the recommendations agreed to at the November 3 meeting were adequate, and no additional meetings will be held.

#### Testimony

The Committee heard testimony from the following presenters:

- David Boyd, State Court Administrator, presented on the history of the Judicial Resources Interim Study Committee and provided a brief narrative of past proposed legislation.
- John Goerd, State Court Planner, presented on the judgeship formula.

#### Final Action

The Committee adopted the following proposals to be included in legislation for the 2006 Legislative Session:

- The Supreme Court will draft a new judgeship formula.
- The Committee will ask the General Assembly to adequately and fully fund the Judicial Branch.



- The Supreme Court and the Department of Human Services will work in partnership to provide better services to juveniles in a more timely manner.
- All magistrates will be required to have a law degree; however, current non-lawyer magistrates will not lose their position upon enactment of this recommendation.
- An applicant for a magistrate position may be a resident of another county when applying for the position; however, within 30 days of appointment, the applicant must be a resident of the county of appointment or a contiguous county.
- If the Chief Justice makes a finding that a substantial disparity exists in the allocation of District Associate Judges between judicial election districts, the Chief Justice may apportion a vacant district associate judgeship to another judicial election district upon approval of a majority of the Judicial Council.
- The Chief Justice may also authorize a voluntary, permanent transfer of a District Associate Judge to another judicial election district if a substantial disparity exists in the allocation of District Associate Judges between judicial election districts and a majority of the Judicial Council approves the transfer.
- The General Assembly will provide adequate funding to the Judicial Branch to develop technology that will improve accessibility to court services and the efficient use of public resources.
- The courts and local governments will take urgent action to fund and implement modern courthouse security systems.
- The State will proceed with implementing drug courts on a statewide basis.
- The Legislative Council will reauthorize the Committee for next year.

**More Information**

Copies of the meeting handouts are available on the web site at:  
<http://www.legis.state.ia.us/asp/Committees/Committee.aspx?id=58>.  
Additional information is available from the LSA upon request.

STAFF CONTACT: Jennifer Acton (Ext. 17846) Joe McEniry (Ext. 13189)

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**MEDICAL MALPRACTICE INTERIM STUDY COMMITTEE MEETING**

**Committee Purpose**

The Medical Malpractice Interim Study Committee met on November 7. The Committee was established pursuant to HR 50 (Medical Malpractice Study Resolution) to propose possible solutions to alleviate problems regarding availability and affordability of medical liability insurance in Iowa.

**Presenters**

The Committee heard testimony from Susan Voss, Iowa Insurance Commissioner; David Bounk, President and CEO, Midwest Medical Insurance Company (MMIC); Karla Fultz McHenry, Iowa Medical Society; Lucia D'Hooge, Department of Public Health; and Greg Boattenhamer, Iowa Hospital Association.

**Final Action**

The Committee approved the following recommendations for the 2006 Legislative Session:

- Provide incentives for physicians and other health care providers to increase efforts to reduce medical errors.



- Provide a type of use immunity to health care providers who fill out a physician's apology. The apology cannot be used against the doctor in a medical malpractice lawsuit.
- Allow statutes of limitation to be stayed by written agreement of parties.
- Require insurance claims and income data from medical malpractice insurers.
- Revise expert witness standards; especially, limit the numbers of experts in any one specialty area.
- Provide a State tax credit to assist in paying the cost of specialty physicians in areas of the State where there are physician shortages.
- Require criminal background checks (all State and federal checks) for licensing new health care providers.
- Include a provision on pending legislation by requiring a study of the effectiveness of the legislation. (Sunset any legislation after three or five years).
- Require a certificate of merit before filing or continuing a medical malpractice lawsuit.
- Require medical reporting error data collection.

**More Information**

Copies of the meeting handouts are available on the web site at:  
<http://www.legis.state.ia.us/asp/Committees/Committee.aspx?id=72>.  
Additional information is available from the LSA upon request.

STAFF CONTACT: Jennifer Acton (Ext. 17846) Rachele Hjelmaas (Ext. 18127)

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**TOBACCO SETTLEMENT AUTHORITY MEETING**

**TSA Meeting**



The Tobacco Settlement Authority (TSA) met on November 7-8 to discuss and take action on a resolution authorizing the refunding of existing revenue bonds currently secured by tobacco settlement payments. The goal is to generate approximately \$140.0 to \$145.0 million in net proceeds, of which \$50.0 million would be taxable and the remainder would be tax-exempt. The TSA authorized the financial managers to extend the planned maturity date, if necessary, in order to generate the targeted proceed. The refinancing could be completed by the end of November, assuming market conditions remain favorable.

**Additional Information**

Additional information is available from the LSA upon request.

STAFF CONTACT: Beth Lenstra (Ext. 16301) David Reynolds (Ext. 16934)

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**ISSUE REVIEW – ENHANCED 911 PROGRAM**

**Issue Review**



The Fiscal Services Division of the LSA recently published an *Issue Review* on the Enhanced 911 (E911) Program, which provides information on the status of the 2004 legislative changes related to the E911 emergency phone system and examines issues regarding the system.

Senate File 2298 (FY 2005 Omnibus Appropriations Act) established a priority order for the distribution of funds to pay off the \$3.0 million debt accrued from Phase 1 obligations incurred prior to July 1, 2004. The debt

will be paid off during the fourth calendar quarter of 2005 (October through December).

When the debt is paid, the priority order of the distribution of funds will be adjusted to distribute 24.0% of the revenue to the Public Safety Answering Points Systems (PSAPS) according to the statutory formula provided in SF 2298. Pursuant to the legislation, the next review of the statutory formula is July 2006.

**More Information**

Copies of the **Issue Review** may be accessed on the LSA web site at: <http://staffweb.legis.state.ia.us/lfb/ireview/ireview.htm>. Additional information is available from the LSA upon request.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

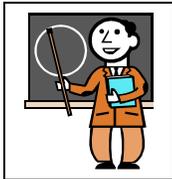
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**ISSUE REVIEW - BOARD OF EDUCATIONAL EXAMINERS  
FEE REVENUE**

**Issue Review**

The Fiscal Services Division of the LSA recently released an **Issue Review** that provides an overview of the Board of Educational Examiners fee revenue.

**Background Information**



The **Issue Review** reviews the recent history of the Board of Educational Examiners' revenue from licensure fees and estimates the impact of a recent fee increase.

In HF 816 (FY 2006 Education Appropriations Act), the Board was authorized to retain 73.0% of all fee revenue in FY 2006, with the remainder deposited into the General Fund. In July 2005, the Board increased most teacher and administrator licensure fees, stating that the current fees did not sufficiently support the operation of the Board.

**Impact of Fee Increase**

The final result of the fee increase in FY 2006 is projected to be an increase in the Board's retained fee revenue of \$388,000 and an additional \$162,000 in deposits to the General Fund. The total fee revenue retained by the Board in FY 2006 is projected to be \$1.3 million. The total fee revenue deposited into the General Fund in FY 2006 is projected to be \$515,000.

**Copies Available**

Copies of the **Issue Review** may be accessed on the LSA web site at: <http://staffweb.legis.state.ia.us/lfb/>. Additional information is available from the LSA upon request.

STAFF CONTACT: Robin Madison (Ext. 15270)

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**DEPARTMENT OF HUMAN SERVICES – FY 2005  
LEGISLATIVE INTENT LANGUAGE**

**Intent Language**

The Department of Human Services (DHS) had eight sections of intent language in SF 2288 (FY 2005 Federal Block Grant Appropriations Act). The Department complied with all sections except one.



The Act required the DHS to distribute 70.0% of the funding from the Community Mental Health Services Block Grant to the State's accredited community mental health centers or the mental health services provider designated by that county. The Act also required the Department to require

that the additional funds be used for developing and providing evidence-based practices and emergency services.

The DHS determined, after the adjournment of the 2004 Legislative Session, that the Act did not relate to the funds distributed in SFY 2005 due to the two-year expenditure opportunity of these federal funds. The Department has provided for the 70.0% of the distribution and the requirements for the additional funds for SFY 2006.

#### More Information

Additional information is available from the LSA upon request.

STAFF CONTACT: Lisa Burk (Ext. 17942) Kerri Johannsen (Ext. 14611)  
Sue Lerdal (Ext. 17794)

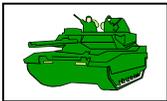
### DEPARTMENT OF PUBLIC DEFENSE – FY 2005 LEGISLATIVE INTENT LANGUAGE

#### Intent Language



The Fiscal Services Division of the LSA identified legislative intent language in SF 2298 (FY 2005 Omnibus Appropriations Act) for the Department of Public Defense.

- Intent language in SF 2298 allows the Military Division to incur a negative balance of up to \$500,000. The Division experienced its first negative balance for FY 2005 on January 6, 2005 (58 days earlier than 2004). The Division was in and out of the negative throughout FY 2005. In late May, the Division exceeded a negative balance of \$1.0 million. This negative balance remained until September 16, 2005.
- The Military Division has been working on ways to improve cash management. In FY 2005, the Division was affected by changes in federal reporting, which made it difficult to maintain the \$500,000 level. The Air National Guard restructured its Finance section resulting in a three to four week delay in payments. The Division has started drawing advances in federal funds related to all agreements in FFY 2006. This may result in the elimination of the negative balance language in FY 2007 or FY 2008.



#### More Information

Additional information is available from the LSA upon request.

STAFF CONTACT: Jennifer Acton (Ext. 17846)

### DEPARTMENT OF PUBLIC HEALTH – FY 2005 LEGISLATIVE INTENT LANGUAGE

#### Intent Language



The Department of Public Health had 19 sections of intent language in SF 2298 (FY 2005 Omnibus Appropriations Act). The Department complied with all sections except two, as follows:

- The Act required the Department to allocate \$100,000 of the appropriation for Community Capacity for a childhood vision-screening program through the University of Iowa Hospitals and Clinics. The Department allocated \$97,300 due to a reduction to Community Capacity that was applied proportionately to all programs within the appropriation.
- The Act required the Department to allocate \$660,000 of the appropriation to Injuries to the Emergency Medical Services Fund. The Department allocated \$643,500 due to a reduction to Injuries that was applied proportionately to all programs within the appropriation.

**More Information**

Additional Information is available from the LSA upon request.

STAFF CONTACT: Lisa Burk (Ext. 17942)

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This document can be found on the LSA web site:  
<http://staffweb.legis.state.ia.us/lfb/fupdate/fupdate.htm>